

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FOX VALLEY LABORERS HEALTH AND)	
WELFARE FUND, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	CIVIL ACTION
)	
BOSLY CONSTRUCTION, LLC, an Illinois)	NO. 18 C 119
limited liability company,)	
)	MAGISTRATE JUDGE
Defendant,)	MARY M. ROWLAND
)	
and)	
)	
STENSTROM CONSTRUCTION, INC.,)	
an Illinois corporation,)	
)	
Citation Respondent.)	

**MOTION FOR CONDITIONAL JUDGMENT
AGAINST STENSTROM CONSTRUCTION, INC.**

The Plaintiffs, FOX VALLEY LABORERS HEALTH AND WELFARE FUND, *et al.*, by their attorneys, represent to this Court as follows:

1. On September 12, 2018, this Court entered judgment in favor of Plaintiffs and against Defendant, Bosly Construction, LLC, in the amount of \$10,467.64, plus post-judgment interest on said amount at the rate required by 28 U.S.C. §1961. As of the date of filing the instant motion, the full amount of the judgment remains unsatisfied (a copy of the Notification of Docket Entry entered on September 12, 2018 is attached hereto as Exhibit A).

2. On November 30, 2018, this Court issued an Alias Citation to Discover Assets to Third Party against Citation Respondent, Stenstrom Construction, Inc. (“Stenstrom” or “Company”).

3. The Alias Citation, Certificate of Attorney, Rider, Citation Notice and Third Party Respondent Answer to Citation Proceedings were duly served upon Stenstrom, c/o its Registered Agent, Robert W. Stenstrom, by tendering a copy of said documents to him personally on December 7, 2018 (a copy of the Alias Citation to Discover Assets and Affidavit of Service is attached hereto as Exhibit B). Pursuant to the Alias Citation, Stenstrom's answers to the Third Party Respondent Answer to Citation Proceedings were due December 27, 2018.

4. As of the date of the filing of this motion, Stenstrom, Citation Respondent, has failed to answer the Third Party Respondent Answer to Citation Proceedings, as required.

5. Pursuant to Rule 69(a) of the Federal Rules of Civil Procedure, federal courts adopt the practice and procedure of the state in which the District Court sits in proceedings supplementary to and in aid of a judgment.

6. Under Illinois law, the Court may enter conditional judgment against a garnishee/citation respondent for the amount due upon the judgment if the garnishee/citation respondent fails to appear and answer. 735 ILCS 5/12-706(a).

WHEREFORE, Plaintiffs move this Court to issue a Conditional Judgment in favor of the Plaintiffs, and against STENSTROM CONSTRUCTION, INC., Citation Respondent, which includes the judgment amount of \$10,467.64, post-judgment interest of \$232.00, post-judgment attorneys' fees of \$2,763.75 and post-judgment costs of \$85.50, for a total amount of \$13,548.89.

/s/ Catherine M. Chapman

Catherine M. Chapman
Attorney for the Plaintiffs/Judgment Creditors
BAUM SIGMAN AUERBACH & NEUMAN, LTD.
200 West Adams Street, Suite 2200
Chicago, IL 60606-5231
Bar No.: 6204026
Telephone: (312) 216-2565
Facsimile: (312) 236-0241
E-Mail: cchapman@baumsigman.com

I:\FVLJ\Bosly Construction\#27746\motion (stenstrom).cmc.df.wpd

CERTIFICATE OF SERVICE

The undersigned, an attorney of record, hereby certifies that she electronically filed the foregoing document (Motion for Conditional Judgment) with the Clerk of Court using the CM/ECF system, and further certifies that I have mailed the above-referenced document by United States Mail to the following non-CM/ECF participant on or before the hour of 4:00 p.m. this 22nd day of July 2019:

Mr. Raymond J. Melton
SmithAmundsen, LLC
308 W. State Street, Suite 320
Rockford, IL 61101-1140

I further certify that on or before the hour of 4:00 p.m., this 22nd day of July 2019, I electronically filed the foregoing document (Motion for Conditional Judgment) with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following:

Kathleen M. Cahill
Allocco, Miller & Cahill, P.C.
20 N. Wacker Drive, Suite 3517
Chicago, IL 60606-3108
kmc@alloccomiller.com

/s/ Catherine M. Chapman _____

Catherine M. Chapman
Attorney for Plaintiffs/Judgment Creditors
BAUM SIGMAN AUERBACH & NEUMAN, LTD.
200 West Adams Street, Suite 2200
Chicago, IL 60606-5231
Bar No.: 6204026
Telephone: (312) 216-2565
Facsimile: (312) 236-0241
E-Mail: cchapman@baumsigman.com